Notice of Allowability	Application No.	Applicant(s)	
	10/670,596	BATT, DOUGLAS G.	
	Examiner	Art Unit	
	Charanjit S. Aulakh	1625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

I claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included erewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS OTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to *Paper filed on Aug. 26, 2004*.

☒ The allowed claim(s) is/are *1-13,15-17 and 20-24*.

☐ The drawings filed on _____ are accepted by the Examiner.

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

tachment(s)

☐ Notice of References Cited (PTO-892)
☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 1
☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *10/18/04*.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. According to paper filed on Aug. 26, 2004, the applicants have canceled claims 14 and 18 ; amended claims 1, 5, 11, 12 and 17 and furthermore, have added new claims 23 and 24.

2. Claims 1-13, 15-17 and 19-24 are now pending in the application.

EXAMINER'S AMENDMENT

3. The following amendment is pursuant to a telephone conversation with the applicant's attorney, Ms. Mary K. VanAtten on October 18, 2004. The following changes have been made in claims.

Cancel claim 19.

In claim 20, lines 1-2, after method, delete -----according to claim 19, wherein the disorder is selected from---- and insert ---for treating a disorder selected from ----- ; delete ----helminthic parasitic infections, transplantation, drug-induced eosinophilia, HIV infection, cystic fibrosis, churg-strauss syndrome, lymphoma, Hodgkin's disease, and colonic carcinoma------ ; insert ---and ---- after eosinophilic fascitis and furthermore, after gastroenteritis, insert ---comprising administering to a patient in need thereof a therapeutically effective amount of a compound according to claim 1, or a pharmaceutically acceptable salt thereof-------.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:

Claims 1-13, 15-17 and 20-24, renumbered as claims 1-21, are allowed since the applicants have amended claims to delete non-elected subject matter as well as to overcome most of indefiniteness and enablement rejections and furthermore, due to their persuasive arguments regarding some indefiniteness, enablement and prior art rejections. The examiner agrees with the applicants arguments that the instant compounds are not anticipated by the compounds of cited two references. The applicants have amended claims to include specific disorders supported by the instant specification and prior art knowledge regarding utility of CCR3 antagonists (see claims 57 and 58 in PAT 6,441,001) to overcome enablement rejection. Thus, all rejections under 35 U.S.C. 112, first paragraph and second paragraph , 35 U.S.C. 102(b) and 102(e) as well as objections are now withdrawn.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charanjit S. Aulakh whose telephone number is (571)272-0678. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571)272-0562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. S. Aulakh

Charanjit S. Aulakh
Primary Examiner
Art Unit 1625